

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**JOINT STIPULATION OF
VOLUNTARY DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed upon between the parties and their respective counsel as follows:

1. All claims pursuant to 42 U.S.C § 1981 (“Section 1981”) stated in Counts I, II, and III of the Complaint are voluntarily dismissed, without prejudice, in their entirety against all Defendants.

2. All remaining claims stated in Counts I, II, and III of the Complaint are voluntarily dismissed, without prejudice, against defendants the University of North Carolina Chapel Hill Board of Trustees, W. Lowry Caudill, Alston Gardner, Sallie Shuping-Russell, Jefferson W. Brown, Phillip L. Clay, Haywood D. Cochrane, Donald Williams Curtis, Charles G. Duckett, Peter T. Grauer, Kelly Matthews Hopkins, Steven Lerner, Dwight D. Stone, and Andrew Henry Powell, as members of the Board of

Trustees in their Official Capacity (collectively, the “UNC-Chapel Hill Board of Trustees Defendants”).

3. The parties have agreed to the dismissal of the UNC-Chapel Hill Board of Trustees Defendants on the basis of Defendants’ representation that the UNC-Chapel Hill Board of Trustees Defendants do not play an active role in setting or implementing the undergraduate admissions policy of the University of North Carolina-Chapel Hill. Should discovery in the above-captioned action reveal facts to the contrary, the UNC-Chapel Hill Board of Trustees Defendants represent that they will consent to being added as defendants in this litigation. As part of this Joint Stipulation, the UNC-Chapel Hill Board of Trustees Defendants also represent that they will abide by the terms of any final judgment or order in the above-captioned litigation, subject to the usual rights of appeal, entered against any of the remaining Defendants, including any final judgment or order relating to the conduct of the University of North Carolina-Chapel Hill’s affairs, including its undergraduate admissions policy.

4. All claims pursuant to 42 U.S.C § 1983 (“Section 1983”) stated in Counts I, II, and III of the Complaint are voluntarily dismissed, without prejudice, against defendants University of North Carolina, the University of North Carolina Board of Governors, and the University of North Carolina-Chapel Hill.

5. All claims pursuant to 42 U.S.C § 2000d (“Title VI”) stated in Counts I, II, and III of the Complaint are voluntarily dismissed, without prejudice, against individual defendants John C. Fennebresque, W. Louis Bissette, Jr., Joan Templeton Perry, Roger

Aiken, Hannah D. Gage, Ann B. Goodnight, H. Frank Frainger, Peter Hans,¹ Thomas J. Harrelson, Henry W. Hinton, James L. Holmes, Jr., Rodney E. Hood, W. Marty Kotis III, G. Leroy Lail, Scott Lampe, Steven B. Long, Joan G. MacNeill, Mary Ann Maxwell, W. Edwin McMahan, W.G. Champion Mitchell, Hari H. Math, Anna Spangler Nelson, Alex Parker, R. Doyle Parrish, Therence O. Pickett, David M. Powers, Robert S. Rippy, Harry Leo Smith, Jr., J. Craig Souza, George A. Sywassink, Richard F. Taylor, Raiford Trask III, Phillip D. Walker, Laura I. Wiley, as members of Board of Governors in their Official Capacity, President of the University of North Carolina Thomas W. Ross, Chancellor of the University of North Carolina-Chapel Hill Carol L. Folt, Executive Vice Chancellor and Provost of the University of North Carolina-Chapel Hill James W. Dean, Jr., and Vice Provost, Enrollment and Undergraduate Admissions Stephen M. Farmer.

6. Defendants represent that they will Answer the Complaint within two business days of the filing of this Stipulation of Dismissal.

¹Peter Hans, who was named as a defendant in his official capacity in the Complaint, has resigned from the Board of Governors and thus any successor will substitute automatically by operation of Fed. R. Civ. P. 25(d).

Respectfully submitted this 20th day of March, 2015.

/s/ Michael Scudder

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Respectfully submitted this 20th day of March, 2015.

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